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A

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Forty-sixth session
FIFTH COMMITTEE
Agenda item 107

PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1992-1993

Review of translation and interpretation services for all official languages in the Economic Commission for Africa

Note by the Secretary-General

INTRODUCTION

1. At its forty-fifth session, the General Assembly reviewed the issue of translation and interpretation services for all official languages in the Economic Commission for Africa (ECA) and adopted resolution 45/248 B of 21 December 1990, section II, on the subject, whereby it:

> "1. Expresses its concern over the difficulties experienced by the Economic Commission for Africa, particularly in the area of conference services;
>
> "2. Requests the Secretary-General to take action for the revival of a training programme for translators/précis-writers in all official languages of the Economic Commission for Africa and to report to the General Assembly at its forty-sixth session, through the Advisory Committee on Administrative and Budgetary Questions, on the measures taken;
>
> "3. Also requests the Secretary-General to ensure that this training programme is comparable in quality with other similar United Nations training programmes and to make every effort to utilize existing facilities and expertise within the region;
>
> "4. Invites the Secretary-General to take appropriate measures to ensure the immediate recruitment of those candidates who, after completing their training, have passed the competitive translators/ précis-writers examinations;

"5. Further requests the Secretary-General to make proposals in the programme budget for the biennium 1992-1993 on the improvement of conference services in the Economic Commission for Africa, including the provision of a permanent staff for interpretation;

"6. Decides to consider again the question of conference services for the Economic Commission for Africa at its forty-sixth session, in the context of the proposed programme budget for the biennium 1992-1993;".

2. The present note, prepared in response to that resolution, treats successively translation services, interpretation services and other conference services issues.

I. TRANSLATION SERVICES

3. The note submitted by the Secretary-General to the General Assembly at its forty-fifth session (A/C.5/45/26) indicated, inter alia, that a major obstacle to effective translation services in ECA was a high vacancy rate in those services. Currently, translator posts are filled from a roster of successful candidates to a competitive examination in one of the official United Nations languages. Examinations are held at intervals depending on the number of vacancies and the number of available candidates on the roster at a given time. Successful candidates are assigned to vacant posts at all United Nations duty stations. Difficulties have been experienced for the filling of vacant posts in ECA. In order to alleviate these difficulties, a number of measures were introduced, including efforts to recruit candidates from countries of the ECA region. As a result, the vacancy rate at the ECA Translation Services Unit was 33 per cent at 31 August 1991, compared with 41 per cent in 1990 and 47 per cent in 1989. Furthermore, through the temporary assignment of translators from other duty stations, the total Professional capacity of the Unit has also been strengthened.

4. In order to find a more durable solution to the problems experienced by translation services in ECA, it is proposed to re-establish a training programme for translators to be recruited primarily for ECA. This programme would be set up on a contractual basis with existing African training institutions. Training would be offered to five persons each year for each of the three ECA official languages, namely Arabic, English and French. The training would be scheduled over a nine-month period and would aim at providing specific skills in United Nations style and terminology to enable participants to succeed in the United Nations translator/précis-writer competitive examination.

5. For the selection of appropriate institutions to host the training programme, a survey is currently being made of existing institutions in African countries that provide translator training in Arabic, English and French. By the end of 1991, at least three institutions would be identified.

6. Candidates for participation in the programme would be selected from among persons who hold a degree or an equivalent qualification from a university or institution of equivalent status, and should meet the same requirements as those established for the United Nations competitive examination for translators/précis-writers.

7. The opportunity to participate in the programme would be widely advertised in the press or other appropriate means early each year of States members of ECA as well as in other countries or centres where a number of African nationals specializing in languages and translation work may be studying or working. Applicants would be interviewed and also go through pre-selection and aptitude tests, in order to complete the selection of candidates by mid-year. The training course would start in September and continue until May of the next year. At the end of the course, students would sit for the regular world-wide examination for translators/précis-writers. Successful candidates would be required to serve an initial assignment for a specified period in ECA.

8. The costs of these arrangements would comprise education fees to be paid to the institutions, stipends to students and travel expenses between their home country and the contracted institution. Such costs have been estimated as follows (at 1991 rates):

(a) Travel costs: $2,900 per student, or $43,500 per year;

(b) Stipend: $1,700 per person/per month, or $229,500 per year;

(c) Fees for education institutions: $5,500 per student, or $82,500 per year.

9. These estimates have been used in the proposed programme budget for the biennium 1992-1993, which includes, in section 23, Economic Commission for Africa, a provision of $710,700 for the reviving of the training programme for translators at ECA.

10. The training programme would be launched in 1992, along the lines outlined above. Additional expenses might be necessary in relation with the selection process of candidates, namely, travel and subsistence costs for travel of applicants from their home countries to Addis Ababa for interviews and tests. Should such costs be necessary, they would, to the extent possible, be absorbed from within the overall 1992-1993 budget of the training programme.

II. INTERPRETATION SERVICES

11. In his note on the subject to the General Assembly at its forty-fifth session (A/C.5/45/26), the Secretary-General proposed to the General Assembly that, given the pattern of distribution of meetings and conferences requiring interpretation services during the year, ECA should continue to rely on the use of freelance interpreters to service its meetings. The question of establishing a permanent team of interpreters has been further examined in terms of its cost to the Organization and its effectiveness in meeting the needs of ECA. It has been estimated that uninterrupted services would require three interpreters (one P-4, and two P-3 posts) for each of the three official languages of ECA (Arabic, English and French). The annual cost of three P-4 and six P-3 posts would be $680,300 (at 1991 rates). In addition, the budget for interpreters would need to make allowance for freelance interpreters to meet peak periods throughout the year. The period leading to the ECA Conference of Ministers, for example, normally calls for an additional demand for interpreters. That provision is estimated at $150,000, and the overall cost of interpetation would be approximately $800,000. As a comparison, the use of freelance interpreters required expenditure of $488,500 in 1988, $494,100 in 1989 and $405,100 in 1990. It should also be noted that freelance interpreters provide ECA with the flexibility of scheduling meetings to cope with the changing needs of the region. It is therefore recommended that the present system of using freelance interpreters to service ECA meetings and conferences be maintained. The matter would, however, be kept under review.

III. OTHER CONFERENCE SERVICES ISSUES

12. A review of the ECA Conference Services Section as a whole has been conducted in order to estimate the adequacy of its staff and technological capacity to meet the Commission's current and future conference-servicing requirements.

13. The staff capacity has been analysed on the basis of workload statistics for the period 1986-1990. It would seem that the number of posts of translators (16 Professional posts) is sufficient. The review has, however, revealed a number of shortcomings with respect to the planning of meetings and conferences, compliance with standards and the quality and timely preparation of documentation. These problems stem in part from a lack of editorial functions. The effective planning and organizing of ECA meetings is essential. The Conference of Ministers of ECA currently has 26 subsidiary sectoral and subregional conferences and committees, which in turn have a number of subsidiary intergovernmental and expert bodies. All those organs have annual or biennial meetings that are sometimes held away from ECA headquarters. It is proposed to establish, effective 1 January 1992, a separate planning function, within the ECA Conference Services Section, with a post at the P-5 level. This post would be redeployed from within the ECA secretariat, as indicated in the proposed programme budget for the biennium 1992-1993.

14. It is also proposed to establish an Editorial Unit within the same Conference Services Section. The Unit would be supervised by the P-5 officer referred to above and would comprise one P-4 and one P-2 posts for editors. The P-4 post is proposed to be established effective 1 January 1992 as a new post. The P-2 post would be redeployed from within the ECA secretariat. These proposals have also been made in the 1992-1993 proposed programme budget under section 23.

15. As regards the technological capacity of ECA for meeting its conference-servicing requirements, the review has indicated the need for replacement of outdated reproduction equipment and for improving the environment in the existing Reproduction Unit. These issues have been addressed in the context of the implementation of the ECA automation project during 1991. By the end of 1991, all original texts of documents and publications will be processed on micro-computers, thus eliminating double typing and improving both timeliness and quality of work. Graphic presentation will also be done on micro-computers (electronic or desk-top publishing). In parallel with computerization of the Conference Services Section, the ECA reproduction facilities are also being modernized through installation of advanced reproduction equipment. Designed to improve the timeliness and quality of ECA documents and publications, this scheme will be fully implemented by the end of 1991. The related funds have been approved in the context of the 1990-1991 revised estimates.

16. The expected completion of construction of a new conference complex at ECA will increase, as estimated, the number of meetings and conferences to be held at Addis Ababa and relating demand for conference services. Conference-servicing requirements at ECA, including the possible establishment of a permanent ECA interpretation facility, will be kept under review in the light of the overall demand for such services and of the completion of the new conference complex at Addis Ababa.

UNITED NATIONS

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ملحوظة : يرجى من الوفود التي تريد إدخال أية تصحيحات على القائمة التالية أن ترسلها ، كتابة ، إلى أمين اللجنة ، الغرفة رقم S-2700F ، مبنى الأمانة العامة .

注意：请各代表团把对以下名单的更正用书面送交秘书处大楼第 S-2700F，室的委员会秘书。

NOTE: Delegations are requested to send their corrections to the following list in writing to the Secretary of the Committee, room S-2700F, Secretariat Building.

NOTE: Les délégations sont priées d'envoyer leurs corrections à la présente liste, par écrit, au Secrétaire de la Commission, bureau S-2700F, Bâtiment du Secrétariat.

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Portugal	Mr. Fernando Reino	Mrs. Regina Emerson	
Qatar	Mr. Mohamed Fireish Al-Adawi		Mr. Qassim Ido
Republic of Korea			
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Rwanda	M. Masabo Nyangezi		
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Sao Tome and Principe	Mr. Aderito Ramos		
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Seychelles	Mr. Marc Marengo		
Sierra Leone	Mr. S.A. Mansaray	Ms. Khadijatu Mansaray	
Singapore	Mr. Chew Tai Soo	Mr. Mark Hong Mr. Thiagarajah Thirunagaran Mrs. Iris Geddis	
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Sweden			
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International Labour Organisation	Mr. Ian Chambers	Mr. Tuyet Nguyen	
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UNITED
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General Assembly

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Agenda item 115

PERSONNEL QUESTIONS

Views of the staff representatives of the United Nations Secretariat

Note by the Secretary-General

The Secretary-General transmits herewith for consideration by the Fifth Committee a document submitted by the staff unions and associations of the United Nations Secretariat. The present document has been submitted pursuant to the provisions of paragraph 2 (a) of resolution 35/213 of 17 December 1980, whereby the General Assembly reiterated its readiness "to receive and consider fully the views of the staff as set out by a single recognized representative of the staff of the United Nations Secretariat in a document submitted through the Secretary-General under the agenda item entitled 'Personnel questions'".

Annex

VIEWS OF THE STAFF REPRESENTATIVES OF THE
UNITED NATIONS SECRETARIAT

INTRODUCTION

1. It is ironic that at this time of increased activity for the United Nations and increased recognition of its vital role in world affairs, the morale of the Secretariat staff is at an all-time low.

2. In part this is due to the absence of a genuine system of staff development that extends equal opportunities to all regardless of gender, nationality, duty station or grade. A structured and coherent inter-organizational career development plan that provides a realistic system of rewards and incentives is essential to staff well-being.

3. Inevitably, staff morale has also been negatively affected by the absence of annual promotion reviews and registers in accordance with the relevant Staff Rules and Regulations. The vacancy management system now in effect is opaque and cumbersome and unfortunately often gives the impression that promotions are taking place in an ad hoc manner that facilitates discriminatory treatment.

4. Last year, we noted that restrictions on career progression and limited promotion prospects had created considerable resentment among staff of the General Service and related categories. We say again that recognition must be given to the vital role played by such staff in the functioning of the United Nations system, and that artificial barriers to their career advancement must be eliminated. Staff must not be made to feel that they are appendages to the Organization rather than vital parts of it.

5. There is a pervasive feeling among the staff that, despite the recognized efficiency and courage with which the Secretariat has met the many challenges of recent years, efforts are under way to reduce salaries and benefits on the basis of purely subjective criteria.

6. Equitable salaries and benefits of course contribute to good morale. The staff must know that salary movements are based on accurate and appropriate data. Everything should be done to avoid the appearance of data being manipulated with the objective of reducing salaries and benefits. Unfortunately that impression has taken firm root among the staff.

7. As the staff representatives have stressed in the past, they are firmly of the opinion that the staff should be able to express their views at every stage of the formulation of recommendations to the General Assembly, and in the informal meetings of the Fifth Committee.

8. Of great importance to the morale of staff is the knowledge that Member States will respect their independent roles as officials of the United Nations and work for their release if they are illegally detained. Tragically, staff members continue to be imprisoned by some Member States without due process and in violation of international law. The staff representatives again ask the General Assembly to take effective action against those who continue to violate the privileges and immunities of international civil servants.

9. The staff representatives note with concern that travel restrictions are still being imposed on staff of certain nationalities. We ask all Member States to recognize the independence of the international civil service, to work for the lifting of present travel restrictions and to refrain from imposing such restrictions in the future.

10. Some improvement has been made with regard to the contractual status of staff members who were considered to be serving on secondment though, as was proved in a judgement of the Administrative Tribunal, they were not. Such staff members now have a better chance of careers with the United Nations. The staff representatives urge the General Assembly to ensure that staff of all nationalities are treated equally and that no staff members are forced to divide their loyalty between the United Nations and their Governments. The oath of office is explicit in this regard, and cannot be questioned.

I. SECURITY AND INDEPENDENCE OF THE INTERNATIONAL CIVIL SERVICE

11. Never in the history of the United Nations has the Secretariat been called upon to meet so many challenges around the world as it is today. The Secretariat staff have proved themselves in many fields of operation, and are proud to be vital parts of the machinery of peace and the alleviation of human suffering.

12. It is tragic that people engaged in work of such importance to humanity are themselves often victims of lawlessness and violence. Illegal detention, imprisonment, disappearances and even death have been inflicted on international civil servants as they carry out their mandates. But the combined efforts of the Member States, the Secretary-General and the staff have been of little avail in bringing an end to this violence against us.

13. Greater efforts must be made at all levels to protect international civil servants as they strive to meet their mandates. Prompt and unrelenting action must be taken on behalf of staff members who have been unjustly robbed of their freedom and/or suffered other abuses of their human rights and their status as international civil servants.

14. The staff representatives call for the revitalization of the Secretary-General's Task Force on the Security and Independence of the International Civil Service, and for an improved system of reporting on violations against staff members. The present annual list provided to the

General Assembly is inadequate. The staff representatives propose that for each case listed a complete history of the violation should be given, including findings made by the administration as to the circumstances under which the staff member is being detained and what the Government concerned is doing to meet its obligations under the Charter and other relevant instruments. We also propose that reporting take place on a quarterly rather than an annual basis.

A. Travel restrictions

15. All United Nations staff members are officials of the Organization and should not be subject to arbitrary travel restrictions. They must be free to carry out their mandates and to lead fulfilling lives. Travel restrictions make a mockery of the independence of the international civil service. All staff members have committed themselves to serving the world community, and their status as United Nations officials must be recognized and respected. We call on those concerned to lift all travel restrictions on international civil servants.

B. Withholding of passports

16. It is a cause of grave concern that a few Member States sometimes withhold passports from their nationals. The staff representatives call for an end to this kind of pressure on staff members. We, the staff and backbone of the Organization, have every right freely to enter and leave any country, including our own, without harassment.

C. Welfare of detainees

17. There is substantiated evidence that many of our detained colleagues are not only routinely deprived of medical assistance, but are even subjected to torture. We therefore say again that contact with detained staff members must be initiated as soon as they are arrested: it is well known that in the vast majority of cases torture takes place in the first days or weeks of detention. There should be no obstacle to the establishment of a medical team accountable directly to the Secretary-General to have regular access to detained officials.

D. Supplementary payments

18. Supplementary payments continue to be given to some officials of the United Nations by their respective Governments in violation of the Charter and the oath of office taken by all staff members upon recruitment. The Organization is fully aware of this practice but allows it to continue. Not only do the staff members concerned benefit from higher incomes than their colleagues having the same levels of responsibility, but this practice creates

a conflict of interest vis-à-vis the United Nations. The staff representatives call for an end to this unfair, unacceptable practice.

E. Secondment

19. In its resolution 45/239 A of 21 December 1990, the General Assembly affirmed that secondment from government service was not in conflict with Articles 100 and 101 of the Charter. However, the staff representatives wish to point out that there have been two kinds of secondment, which can be termed pseudo-secondment and genuine secondment.

20. In recent years, the staff representatives have drawn attention to the following anomalies:

(a) The only way for nationals of certain countries to be recruited by the United Nations was through "secondment". As a result, staff members' loyalties were divided between the Organization and their Governments, contrary to the Charter;

(b) The staff members on pseudo-secondment were obliged to turn over large portions of their salaries and emoluments to their Governments;

(c) Many staff members on this type of "secondment" had never been in their Government's service, nor would there be a government post available to them when they returned to their country, clearly a situation that could not be described as true secondment;

(d) Language posts - which are not subject to geographical distribution - were not and still are not filled through normal recruitment and placement procedures. They were reserved for staff members on pseudo-secondment serving on a rotational basis;

(e) Many staff members serving on pseudo-secondment were never informed in any meaningful way that they were serving on "secondment".

21. All these practices associated with pseudo-secondment are in contravention of Articles 100 and 101 of the Charter, and undermine the independence of the international civil service. They also violate the principle of equal treatment for all staff members irrespective of nationality.

22. In the aftermath of Administrative Tribunal Judgement No. 482, Qiu et al. of 25 May 1990, the General Assembly adopted resolution 45/239 A, according to section II of which staff members previously considered to have been on "secondment" were to be treated as serving on fixed-term contracts to which no special conditions were attached, subject to standard principles of renewal or non-renewal, in accordance with the Staff Regulations and Rules. As a result, many "seconded" staff members have now been granted career appointments.

23. Under the previous costly and disruptive system, these staff members were treated like interchangeable objects, and the Organization failed to meet its obligations to them as individuals. For the first time in the history of the United Nations Secretariat, the principle of non-discrimination vis-à-vis these international civil servants and the individual rights of "seconded" staff have been respected. The staff representatives welcome this development as a crucial step towards the establishment of a truly independent international civil service in accordance with the Charter, which they have long advocated.

24. On a less positive note, the staff representatives call attention to the need to discontinue the practice of filling certain supervisory language posts through secondment only. This appears to carry over certain principles of the rejected policy of "secondment" practised in the past, treating some posts as the exclusive preserves of certain countries. This is no longer justified since the fixed-term contracts of many staff members from those countries have now been converted to career appointments.

25. Article V, section 18 (b), of the Convention on the Privileges and Immunities of the United Nations states that "officials of the United Nations shall be exempt from taxation on the salaries and emoluments paid to them by the United Nations". It is legally wrong for Member States to accede to the Convention without reservation and then to levy taxes on their nationals who are United Nations staff members. With the collapse of the system of pseudo-secondment, some countries have abandoned this practice. However, a few still insist on levying "taxes" on their nationals when they apply for renewal of their national passports. Measures for levying these "income taxes" are given different names, in some cases even being termed voluntary contributions. But in essence the purpose is to invade the salaries and emoluments of nationals who are United Nations staff members.

26. It seems anomalous, to say the least, that funds contributed by Member States to the budget of the Organization should be diverted to individual States through these illicit "taxes" on staff members' salaries. In this regard, the staff representatives strongly support the position taken by the Administrative Committee on Coordination on the subject as contained in document A/C.5/46/4/Add.1, paragraph 1, third subparagraph.

27. The staff representatives deplore these governmental practices, regardless of the euphemisms used to describe them, and call upon the Member States concerned to adhere to section 18 (b) of the Convention and to remit to their nationals the taxes wrongfully taken from them in the past, failing which they should be reimbursed from the Tax Equalization Fund.

II. STAFF-MANAGEMENT RELATIONS

28. Effective participation, which is beneficial for staff, management and the Organization alike, is hindered by a number of factors, in particular:

(a) Staff representatives are volunteers and have to combine staff representational activities with their regular duties;

(b) The administrative culture within the Organization neither values nor encourages staff representation. In many cases departmental heads discourage staff members from participating in representational activities, saying it might damage their careers;

(c) Although the Staff Rules call for "effective participation", there is no precise definition of what that means in practical terms, and staff-management relations tend in large measure to be pro forma;

(d) Staff-management relations are particularly strained at duty stations away from Headquarters owing to administrators' abuse of authority and disregard of the process of staff-management relations;

(e) A very negative factor is the lack of recourse when the administration agrees to a certain policy and then reneges, which calls into question the very consultative process the administration itself established.

29. Therefore the staff representatives firmly believe the existing staff-management mechanism must be improved if it is to serve a meaningful purpose.

30. They also feel it is urgently necessary to put in place a mechanism to ensure implementation of all agreements. Guidelines should be established on the manner in which negotiations are to be conducted.

III. CAREER DEVELOPMENT, PROMOTION POLICY AND TRAINING

A. Career development

31. In its resolution 44/185 A of 19 December 1989 the General Assembly placed emphasis on the need to develop a comprehensive career development plan. The staff representatives strongly believe such a plan is essential to any progressive system of human resources management. On many occasions they have urged the administration to take steps towards the development of such a plan.

32. They were therefore hopeful when the matter was taken up at the June 1991 session of the Staff Management Coordinating Committee (SMCC), at which the staff again emphasized the urgent need to formulate a comprehensive career development plan. SMCC established an Intersessional Working Group to draw up proposals to serve as a basis for the development of the plan. However,

progress on this important question is proceeding much more slowly than the staff had hoped. We trust that the process will be accelerated so that a plan can be drawn up for consideration by the General Assembly at its forty-seventh session in 1992, and are ready to cooperate fully in that regard.

33. Symptomatic of the total neglect of career development is the non-implementation of document ST/IC/86/62 of 1986. We urge that swift action be taken in this regard, and that the General Assembly make a budgetary allocation for the purpose of training, which is an integral part of any comprehensive career development initiative.

B. Promotion policy

34. Five years ago, at a time of severe financial hardship and staffing retrenchment, the administration imposed on the staff a vacancy management system "for the duration of this emergency situation" (ST/SGB/221 of 22 December 1986). This amounted to a de facto abrogation of a staff rule, rule 104.14, since it effectively ended the joint annual comprehensive reviews which previously, in the absence of a career development system, had given the staff a measure of assurance that they would periodically be considered for possible career advancement. This loss, an abridgement of the staff's acquired rights as recognized in staff regulation 12.1, exacerbated the already notorious slowness and uncertainty that at the best of times have been the hallmark of a United Nations career for the overwhelming majority of staff members. It forced staff seeking advancement to undertake job hunts - a virtual gutting of the very concept of a civil service, international or otherwise.

35. With the end of the retrenchment exercise, the staff look forward to a return to the concept of promotion embodied in staff rule 104.14, pending implementation of the long-overdue comprehensive career development system, which could include the possibility of in-post promotion.

C. Training

36. The United Nations could better utilize its staff by establishing systematic and effective training programmes, which should be part of a continuing process of evaluating and updating both managerial and staff skills. This would enable the Organization to make better use of the human resources at its disposal and at the same time enable staff members to improve their career prospects.

37. Pending a review of means of promotion from one category to another, training is also needed with regard to the G-to-P competitive examination in order to ensure equal opportunities for all who sit for it. At present the examination is heavily tilted in favour of candidates who hold degrees. Therefore the staff representatives again call for the establishment of a well coordinated formal training programme that could prepare candidates for the examination.

38. We urge the General Assembly to make appropriate budgetary allocations for the financing of all in-house and external training activities.

IV. STATUS OF SHORT-TERM STAFF

39. The United Nations is increasingly involved in technical assistance programmes financed through extrabudgetary resources. The international staff for such programmes are recruited on a short-term basis so as not to reduce the Organization's operational capacity.

40. However, many of those programmes become long-term endeavours, with some personnel serving on fixed-term appointments for very long periods, sometimes as long as 15 to 20 years.

41. The staff representatives strongly believe that "short-term" staff leaving the Organization after many years of service should receive the same consideration for career appointments as staff members serving on fixed-term appointments.

V. UNIFIED PERSONNEL STRUCTURE

42. The only way to bring about the comprehensive development of human resources is to return to a unified personnel structure in which unrestricted vertical movement of staff is based on the criteria set forth in the Charter and the Staff Rules and not on the level at which an individual staff member was recruited.

43. The administration should be instructed to explore ways to end the present category system. The G-to-P examination has had its day. The concept is no longer satisfactory to the staff, and perhaps to the administration as well, owing to the lack of incentives for those hundreds of staff members who cannot expect promotion because of the current division of the staff into categories. Other avenues for promotion must be developed in the context of the comprehensive career development system mentioned earlier.

VI. STATUS OF WOMEN

44. There must be follow-up to ensure that past decisions of the General Assembly are being implemented. It is important that progress take place in all parts of the Secretariat. Recommendations must be implemented, and there must be accountability for non-implementation. Incentives are needed to ensure that managers meet targets established for the appointment and promotion of women, and accountability must be guaranteed.

45. Complete reporting is essential to this process. Governing bodies should report annually on staffing, giving statistics for all staff by gender. In addition to the usual data reported - geographical distribution, age and so

on - information should be provided on type of contract and changes in type of contract and promotions, which should be identified as personal or competitive, including G-to-P, and the number of men and women at each grade level, by department or office. A breakdown into linguistic and non-linguistic occupations should be provided.

46. In the past there has been mention of a "glass ceiling" that prevents the progression of women in the Professional category. That is true also of the General Service and related categories. The staff representatives stress the need for real career progression for the staff of all categories, and an end to artificial barriers. Careful consideration must be given to slow-track occupations - for example, secretarial, administrative/service, editorial and library - where women are still in the overwhelming majority.

47. The secretarial occupation is a case in point. Neglect is not too strong a word for the treatment it has received. Past neglect requires that this group receive urgent attention to prevent a further decline in the already low morale among its members. Given the large number of staff members who belong to the secretarial occupation, consideration should be given to the establishment of a Secretarial category.

48. With regard to women in the Professional category, their continued marked absence from decision-making posts must be noted with deep concern. It is important that realistic targets with a given time-frame be established. It is, however, not a question of setting targets and trying to reach them by appointing and promoting women at the lower levels of the category or, for that matter, extending higher-level women beyond the age of retirement. Appropriate action is required regarding not only promotion but also recruitment. Unless there is a significant pool of women to choose from, the issue of promoting women at the higher levels becomes moot. Female candidates must therefore be given serious consideration for vacancies at the higher level, particularly through recruitment from within the house and, exceptionally, from outside.

49. It is necessary to establish an effective focal point at the highest level for the improvement of the status of women. Of course, monitoring is difficult in the absence of comprehensive statistics. There seems to be great reluctance in certain quarters to supply the necessary data, but if the situation is to be fully comprehended and appropriate remedial action taken, the provision of accurate data is essential.

50. Professional and General Service women alike still tend to be clustered in service or support occupations, with low career ceilings. A Secretariat-wide skills inventory would assist in the identification of occupations and career paths that are trans-organizational and would increase mobility.

51. Scrutiny should be given to the utilization of "overqualified" General Service staff, who clearly have potential for entry into the Professional category.

52. It is imperative that quicker progress be made towards equality between men and women, and that to that end all relevant directives of the General Assembly be promptly acted upon. It is time for deeds to match words.

VII. ADMINISTRATION OF JUSTICE - PRESENT DEFICIENCIES

A. Background on United Nations immunity

53. The United Nations currently enjoys immunity from legal action by staff members in local or national jurisdictions. The Convention on the Privileges and Immunities of the United Nations adopted in 1946 is the primary source of this immunity. Under section 29 of the Convention, this immunity is conditional upon the United Nations making provisions "for appropriate modes of settlement of ... disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party ...".

54. In 1954, in its advisory opinion entitled "Effect of awards of compensation made by the United Nations Administrative Tribunal", the International Court of Justice stated that "It would in the opinion of the Court, hardly be consistent with the expressed aim of the Charter to promote freedom and justice for individuals and with the constant preoccupation of the United Nations Organization to promote this aim that it should afford no judicial remedy or arbitral remedy to its own staff for the settlement of any disputes which may arise between it and them".

55. The United States Court of Appeals for the District of Columbia (Mendaro v. the World Bank) stated that "To the extent widespread disregard of employee's contract rights indicates that an international organization is abusing its immunity from judicial process, a revocation of immunity could be justified". The point is that the Organization's continued immunity from local and national legal action is dependent on its maintaining effective internal processes. The efficacy of such processes are at present open to question.

B. The Joint Appeals Board

56. At this level there are instances where due process has not been observed. Moreover, the Joint Inspection Unit, in a report entitled "Administration of justice in the United Nations", dated 23 September 1986 (A/41/640, annex, para. 65), recommended the creation of:

> "a separate office for the administration of justice within the Executive Office of the Secretary-General in order to separate the entire function of the administration of justice from [OHRM] ... to avoid a direct conflict of interests among the ... units of [OHRM] ... which are directly responsible for dealing with the appeals arising out of the decisions taken by [OHRM] itself, contrary to the fundamental principles of due process of law, fair play and impartiality in the administration of justice."

57. Inequities at the JAB level are serious. The Secretary-General has announced his policy of strictly enforcing the time-limits in the JAB rules. On the other hand, if the Secretary-General does not file a reply, his letter rejecting the request for reversal of the administrative act which is the subject of the appeal is taken as his reply. This has two discriminatory effects. First, only the staff member has a filing deadline. Secondly, only the staff member is required to disclose the factual and legal basis for his appeal in advance. Thus, the Secretary-General need only show his hand when the Panel actually commences hearings. This reduces the staff member's opportunity for rebuttal and completely vitiates the role of pleadings.

58. The inequality is compounded by the fact that the Secretary-General may draw upon the full complement of professional attorneys in his employ while staff members may only have the assistance of current or retired staff members. Retired staff, like serving staff, have definite limitations in the extent to which they can mount an effective defence on behalf of their clients. Staff are denied the services of independent outside attorneys who have no personal stake in the outcome of internal decision-making.

59. Finally, no account of the inequity inherent in JAB procedures would be complete without reference to the fact that a JAB determination that an appeal is "frivolous" is "the only case where the appeals body, whose powers are advisory, has a full power of decision" (ICSC/29/R.8, 1 September 1988, para. 107). In other words, the only time a JAB ruling is binding is when it is against the staff.

C. The Administrative Tribunal

60. While the Tribunal's statute does permit outside counsel at this level, it allows representation by retired staff members only with its permission.

61. The most glaring flaw in Tribunal justice is the absence of specific performance as a remedy. As stated in ICSC/29/R.8, paragraph 115:

> "the Tribunal, when ordering the performance of the obligation, must at the same time fix the amount of compensation to be paid to the applicant should the Secretary-General ... decide ... to compensate the applicant rather than to perform the obligation. The decision is thus in the hands of the Secretary-General and experience shows that he almost always prefers, particularly in cases of separation from service, to pay the compensation rather than to perform the obligation."

62. As far back as 1976, a FICSA "Symposium on Recourse Procedures in the Organization of the United Nations" recommended that the Tribunal have the authority to determine when specific performance is appropriate as well as the power to determine the amount of monetary award representing "full compensation for the prejudice suffered". (Joint Inspection Unit in A/41/640, annex, paras. 40 and 41).

D. Committee on Applications for Review of Administrative Tribunal Judgements

63. Following a decision of the International Court of Justice in 1954 which required the Organization to implement decisions of the Tribunal, this Committee was created to allow Member States and the Secretary-General to "review" certain judgements of the Administrative Tribunal. A staff member disappointed with a Tribunal judgement was also given the opportunity to seek review. However, the Committee's procedure hardly puts the staff member on a comparable footing with the Member States and the Secretary-General, particularly in terms of how the written observations of the staff member are treated in comparison with those of the administration.

64. Article IX of the Committee's rules of procedure provides that:

> "The Committee may at any time invite additional information or views on any point with respect to which it considers such information or views necessary, provided that in such cases the same opportunity to present additional information or views is afforded to all parties to the Administrative Tribunal proceedings."

65. Notwithstanding this provision, the United Nations Legal Counsel claims the right to be, and has been, present during all of the Committee's deliberations, purportedly based on paragraph 3 of article VIII of the Committee's rules of procedure, which provides for assistance at the Committee's private deliberative sessions of members of the Secretariat "servicing" the meeting. Clearly this gives the administration an advantage in the presentation of its views.

66. In a 1958 article in the American Journal of International Law, Professor Leo Gross quoted the following remarks of the United States representative to the tenth session of the General Assembly during the discussion of setting up this Committee. He said,

> "The proposed procedure would entail no unfairness to staff members. Before any inequity could result, the Secretary-General ... would have to make an improper decision which deprived a staff member of his contractual rights; the Administrative Tribunal would have to confirm the Secretary-General's decision and, finally, a committee ... would have to act quite arbitrarily and refuse to ask the advisory opinion of the Court. This was a whole series of assumptions which nobody could be justified in making."

67. But the fact is that just such a series of things has happened. In the Mortished case, one of the perennial members of the Committee corrected its own application in the course of the Committee's deliberations as well as participating in the Committee's substantive discussion of the application. In only two other applications to the Committee in 35 years has a "substantial basis" for an application been found to exist. But for the highly political nature of the Committee, such a result would not be credible.

E. Effectiveness of the internal legal system

68. Taken as a whole, the internal legal system cannot be viewed as "just and effective" because of its very strong bias towards the interests of the administration as well as the absence of normal legal procedures such as meaningful pre-hearing discovery, and remedies such as declaratory judgement, default judgement, injunctive relief, specific performance, adequate compensation and retention of jurisdiction to supervise compliance with orders and/or accepted recommendations.

Appendix

LIST OF STAFF MEMBERS WHOSE RIGHTS HAVE BEEN VIOLATED BY STATES MEMBERS OF THE UNITED NATIONS*

Afghanistan

Bismillah Kamkai (UNDP)	Executed (arrested 5.5.79)
Tawakal Shah (UNICEF)	Imprisoned 8.6.81; Died in prison
Saleem Hairan (FAO)	Forced into the Army while holding valid exemption card
Mohammed Omar (FAO)	Detained 17.5.89; Conscripted into Army
Daulat Mir (FAO)	Detained 28.8.84; Conscripted into Army

Argentina

Viviana Micucci (WHO)	Disappeared (arrested 11.11.76)

Chile

Fernando Olivares-Mori (ECLAC)	Killed (arrested 6.10.73)
Carmelo Soria Espinosa (ECLAC)	Killed (arrested 14.7.76)

China

Yue Jiang (IAEA)	Under country detention; prevented from resuming his post after home leave since 2.9.89

Egypt

Zuhair Husain Adwan (UNRWA)	Detained 1.4.89; deported to the Libyan Arab Jamahiriya

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* Statistics for UNRWA staff as at October 1991.

Ethiopia

Belay Melake (ECA)	Arrested 15.10.78 (unaccounted for)
Tesfamariam Zeggae (ECA)	Detained 2.3.82 Released 23.5.91
Ghennet Mebrahtu (WHO)	Detained 8.6.89 Released 23.5.91
Roshan Beraki (UNICEF)	Arrested 3.91 Released and rearrested

Guatemala

Konrad Schultz (UNIDO)	Killed May 1982

Israeli authorities in Gaza Strip

El Nabil Mohammad Al-Ajrami (UNRWA)	Imprisoned 27.7.85 a/
Mohammad Salman Abu Ghubait (UNRWA)	Imprisoned 27.7.85 a/
Daifalla Umar Zayed Abu Samhadanah (UNRWA)	Imprisoned 5.3.86 a/
El-Haidar Sa'di Al-Aila (UNRWA)	Imprisoned 7.4.87 a/
Mahmoud Hasan Ismail Zaqqout (UNRWA)	Imprisoned 30.8.87 a/
Marwan Izzat Qassem Ali (UNRWA)	Detained 25.1.88 Released 24.10.90
Ibrahim Fawzi El-Kurd (UNRWA)	Detained 27.4.88
Husain Ibrahim Abu Nar (UNRWA)	Detained 15.8.88 Released 14.10.90
Abdul Fattah Hasan Dukhan (UNRWA)	Detained 18.9.88 Released 16.10.90
Fayez Nour Salha (UNRWA)	Detained 21.11.88
Ramadan Tawfiq Dahalan (UNRWA)	Imprisoned 24.1.89 b/
Anwar Khalil Maliha (UNRWA)	Detained 2.2.89
Majed Mohammad Abu El Auf (UNRWA)	Detained 26.2.89 Released 24.2.91
Nabil Ibrahim El Sawalhi (UNRWA)	Detained 18.5.89
Ismail Hasan Abu Shanab (UNRWA)	Detained 30.5.89
Hassan Abdul Hamid Dib (UNRWA)	Detained 30.5.89
Hasan Ibrahim Muzayyen (UNRWA)	Detained 31.5.89
Awni Mohammad Abu Saif (UNRWA)	Detained 31.5.89
Munir Mohammad El Masawabi (UNRWA)	Detained 31.5.89 Released 30.11.90
Mohammad Ibrahim Noufal (UNRWA)	Detained 3.6.89 Released 3.4.91
Anwar Ali Al Barawi (UNRWA)	Detained 21.6.89
Mahmoud Ahmad Abu Zayeda (UNRWA)	Imprisoned 31.7.89
Ibrahim Salah El Saiqali (UNRWA)	Imprisoned 1.8.89
Nawwaf Jamil Awwad (UNRWA)	Detained 1.8.89
Dawoud S. El Mudallal (UNRWA)	Detained 2.8.89

Israeli authorities in Gaza Strip (continued)

Jamal Abdala Abu Zubeida (UNRWA)	Detained 3.8.89 Released 23.12.90
Ali Saleh Darwish (UNRWA)	Imprisoned 7.8.89
Mohammad Abdul Rabbu Abu El Kas (UNRWA)	Detained 17.8.89 Released 1.7.91
Abdul Rahman Nayef El Slaibi (UNRWA)	Detained 10.9.89 Released 27.8.91
Salman Ahmad Abu Aqi (UNRWA)	Detained 12.9.89 Released 8.11.90
Said Mahmoud El Aila (UNRWA)	Detained 25.9.89 Released 20.8.90
Khaled Abdul Rahman Matar (UNRWA)	Detained 21.11.89
Jamil Yusuf Ulayyan (UNRWA)	Detained 3.12.89
Mahmoud Hassan Humaid (UNRWA)	Imprisoned 12.12.89
Shawkat Abdul R. Abu Safiya (UNRWA)	Detained 17.12.89 Released 5.7.90
Hafez Mahmoud El Sharif (UNRWA)	Imprisoned 18.12.89
Fathi Samih Abu Qamar (UNRWA)	Detained 9.1.90 Released
Mohammad Abbas Hassouna (UNRWA)	Detained 17.1.90 Released 10.7.90
Salem Sulaiman Abu Madi (UNRWA)	Detained 22.1.90
Hasan Juma Awad (UNRWA)	Detained 22.1.90 Released 15.7.90
Imad Mohammad Abu Aukal (UNRWA)	Detained 23.1.90 Released 22.11.90
Hatam Roubin El Jaish (UNRWA)	Detained 14.2.90 Released 31.7.90
Taysir Abdul Fattah Eid (UNRWA)	Detained 26.2.90 Released 15.8.90
Numan Ali El Madhoun (UNRWA)	Detained 12.3.90 Released 6.8.90
Suhail Said El Hasheem (UNRWA)	Imprisoned 30.3.90
Jamal Darwish El Madhoun (UNRWA)	Detained 8.4.90 Released 30.6.91
Basem Yusef El Fadi (UNRWA)	Detained 21.4.90 Released 19.7.90
Jamal Mohammad Miqdad (UNRWA)	Imprisoned 2.5.90
Riyad Abdul Rahman Matar (UNRWA)	Detained 3.5.90 Released 11.9.90
Taysir Abdul Aziz Abu Fanouna (UNRWA)	Detained 9.5.90 Released 10.7.90
Ahmed Mohammad Hamdan (UNRWA)	Detained 13.5.90 Released 8.1.91
Mahmoud Husain Jarbu (UNRWA)	Detained 23.5.90 Released 19.9.90
Majed Ahmad El Malfouh (UNRWA)	Detained 24.5.90

Israeli authorities in Gaza Strip (continued)

Abdul Qader Majid Abu Shawish (UNRWA)	Detained 27.5.90 Released 26.2.91
Mahmoud Ahmad Murad (UNRWA)	Detained 2.6.90 Released 1.11.90
Zuhair Ahmed Ashour (UNRWA)	Detained 11.6.90 Released 5.2.91
Fadel Said Shalayel (UNRWA)	Detained 16.6.90 Released 15.10.90
Jamal Sulaiman El Arqan (UNRWA)	Detained 17.7.90 Released 20.6.91
Taysir Mohammad Abdul Jawwad (UNRWA)	Imprisoned 30.7.90
Bashir Uthman El Ghalayini (UNRWA)	Detained 19.8.90 Released 14.1.91
Adel Ali Abu Ghali (UNRWA)	Detained 25.8.90
Raed Zaki Adwan (UNRWA)	Detained 25.8.90
Husain Khalil El Burdaini (UNRWA)	Detained 25.8.90
Zakariya Adel Abu Sulaima (UNRWA)	Detained 26.8.90 Released 24.9.90
Mohammad Mohammad Mishmish (UNRWA)	Detained 28.8.90 Released 21.12.90 Rearrested 13.9.91

Israeli authorities in West Bank

Said Ali Abdul Had Banat (UNRWA)	Imprisoned 22.7.85 a/
Mohmoud Mustafa Abdallah Ramahi (UNRWA)	Imprisoned 7.11.86 a/
Mohammad Imad Abdallah Abdul Rahman Jabr (UNRWA)	Imprisoned 27.11.87 a/
Yousef Ismail Shaban (UNRWA)	Detained 8.8.88 b/
Marwan Ismail Hudeib (UNRWA)	Detained 21.12.88
Bassam Nihad Ibrahim Jarrar (UNRWA)	Detained 15.5.89 Released 16.11.89 Rearrested 3.4.90 Released 30.9.90
Ahmad Fares Odeh (UNRWA)	Detained 28.6.89
Akram Saed Eddin Dukmaq (UNRWA)	Detained 16.1.90 Released 24.3.91
Harbi Mohammad Toumalieh (UNRWA)	Detained 27.2.90 Released 4.7.90
Imad Arafat Abu Libdeh (UNRWA)	Detained 7.3.90 Released 4.2.91
Niaz Farah Mohammad Mazazaa (UNRWA)	Detained 13.3.90 Released 12.12.90
Hani Ali Mohammad Beydoun (UNRWA)	Detained 20.3.90
Basima Farouq Odeh Yacoub (UNRWA)	Detained 9.5.90
Nariman Ribhi Rashid Ilayyan (UNRWA)	Detained 10.5.90 Released 18.9.90

Israeli authorities in West Bank (continued)

Yahya Hasan Najjar (UNRWA)	Detained 11.5.90 Released 12.11.90
Naser Mohammad Jibril Zubeidi (UNRWA)	Detained 24.5.90 Released 1.10.90
Salameh Salim Rihan (UNRWA)	Detained 1.6.90
Mohammad Khalil Yousef El Bayed (UNRWA)	Detained 11.6.90 Released 7.12.90
Mohd Fares Ibrahim Saqer (UNRWA)	Detained 25.6.90 Released 24.12.90
Ibrahim Ali Khaled Al Masri (UNRWA)	Detained 30.6.90 Released 29.9.90
Imad Saed Eddin Qarami (UNRWA)	Detained 4.7.90
Ibrahim Mohammad Hattab (UNRWA)	Imprisoned 7.8.90

Kenya

Salim Lone (United Nations)	Citizenship revoked 5.9.86 without due process of law

Lebanon (Syrian Armed Forces)

Zaki Hamadeh (UNRWA)	Detained 18.3.86 Released 12.3.91
Fayyad Mohammad Freiji (UNRWA)	Detained 27.11.86 Released 13.3.91
Samir Ishkuntana (UNRWA)	Detained 7.4.87 Released 12.3.91
Zeidan Yassin (UNRWA)	Detained 27.5.87 (died in prison)
Rifa't Ayoub (UNRWA)	Detained 14.1.88 Released 12.3.91
Ahmad Juma Arabi (UNRWA)	Detained 31.10.88 Released 12.3.91
Majed Kanj (UNRWA)	Detained 27.2.89 Released 1.3.91
Nayef Al Araj (UNRWA)	Detained 18.9.89 Released 6.2.91

Lebanon (militias or unknown elements)

Mahmoud Hussein Ahmad (UNRWA)	Missing 22.3.83
Mohammad Ali Sabah (UNRWA)	Missing 22.3.83
Alec Collett (UNRWA)	Abducted 25.3.85
El-Mohammad Mustafa Hajj Ali (UNRWA)	Missing 28.11.86
Nabila Breir (UNICEF)	Killed 17 or 18.12.86
Jebreal Ibrahim Darnish (UNIFIL)	Killed 26.5.87
Abid Jawad (UNIFIL)	Killed 21.5.87
William Richard Higgins (UNTSO)	Abducted 17.2.88
Said Zeidan (UNRWA)	Missing 20.11.89 Released 3.12.89
Jena Hlass (UNICEF)	Killed 8.12.89

Mauritania

Abdoulaye Diaw (FAO)	Arrested 23/24.5.89 Expelled 24.5.89
Demba Niang (FAO)	Expelled 2.6.89
Amadou Dieng	Expelled 6.5.89
Ndiome Pouye (FAO)	Expelled 2.5.89
Moussa Sagna (UNDP)	Expelled 8.7.89
Abdul Diallo (UNDP)	Expelled 18.5.89
Afton Ba Diallo (UNDP)	Expelled 22.5.89
Mouhamedou Ba (FAO)	Expelled 12.6.89
Yassin Ba (FAO)	Expelled

Senegal

Yousouph Badiane (WFP)	Detained 22.6.90 Released
Magloire Badiane (WFP)	Detained 22.6.90 Released

Somalia

Nurradin Jeylan (UNDP)	Detained 3.7.88
Zainab Aw Jama Adan (WFP)	Missing since 4.8.88
Ahmed Mohamed Ali (WPF)	Detained 24.5.90
K. Abdel-Rahman (UNHCR)	Attacked and severely injured on United Nations premises 30.5.90
Adan Harun Abrar Farah (UNHCR)	Attacked 12.90 (died 8.12.90)
Issak Darod Dhagan (UNHCR)	Killed 12.90
Abdillahi Sheikh Omar (UNHCR)	Killed 2.7.91

Sudan

Frazer Fedit Aryamba (WFP)	Killed December 1989

Syrian Arab Republic

Abdalah Daker Hayatli (UNRWA)	Missing 20.4.80
Izzedine Hussein Abu Kreish (UNRWA)	Detained 11.9.80
Ali Said Shihabi (UNRWA)	Detained 31.3.82
Sa'di Mohammad Zeidan (UNRWA)	Died in prison 7.7.87
Abdallah Issa (UNRWA)	Detained 6.10.85 Released 11.6.90
Sami Izza (UNDOF)	Detained 6.10.85 Released
Mohammed Kteileh (UNRWA)	Detained 24.3.86 Released 11.3.91
Fadel Mohammad Kheir Salman (UNRWA)	Detained 1.4.86 Released 10.11.87
Yaser Hassan Jalbout (UNRWA)	Detained 5.4.86 Released 11.3.91
Majed Salti (UNRWA)	Detained 17.5.90 Released 18.5.91

Uganda

Angello Arikwang (WFP)	Killed following ambush 15.3.90
Lily Nakiru (WFP)	Wounded following ambush 15.3.90

Zambia

Abel Nyirenda (FAO)	Arrested 16.3.89 Died on 29.4.89 following beatings

Other colleagues

Evner Ergun (United Nations)	Assassinated by unknown persons in Austria 19.11.84
Abdul Fattah (WFP)	Disappeared in Pakistan 3.9.89

Families of United Nations staff members under detention

Ussama Bassa, Ibrahim Mussa Bkeirat, Amer Mohammad Hammad, sons of locally recruited staff members under detention by Israeli authorities.

Notes

a/ Imprisoned following closed trial. The United Nations was denied access to the staff member even at the time of sentencing.

b/ The United Nations was allowed access to the staff member on one occasion.

UNITED
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A

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PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1992-1993

Construction of additional conference facilities at Addis Ababa and Bangkok

Report of the Secretary-General

INTRODUCTION

1. At its thirty-ninth session, the General Assembly, by resolution 39/236 of 18 December 1984, approved the construction of conference facilities at the Economic Commission for Africa (ECA) at Addis Ababa and a construction project for the expansion of conference facilities at the Economic and Social Commission for Asia and the Pacific (ESCAP) at Bangkok.

2. One of the measures proposed by the Secretary-General in his report on the financial crisis of the Organization, submitted at the resumed fortieth session of the General Assembly in April 1986, was the postponement of the construction projects for additional conference facilities at Addis Ababa and Bangkok (A/40/1102 and Corr.1-3, paras. 21 and 22). In its related report, the Fifth Committee drew the attention of the General Assembly to the fact that the deferral of maintenance and construction work mentioned in the report of the Secretary-General might entail additional costs and a modification of the construction schedules (A/40/1111, para. 5 (i)). By decision 40/472 of 9 May 1986, the General Assembly decided that the Secretary-General should proceed according to the proposals made in his report, taking into account the report of the Fifth Committee.

3. In 1988, pursuant to General Assembly resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, which mandated the Secretary-General to proceed on both already approved projects on the basis of the scope of facilities as originally approved in sections III and XI of

resolution 39/236, work on the construction projects resumed within the level of resources available during the 1988-1989 biennium from previous appropriations, namely, $3,120,000 for ECA and $22,698,000 for ESCAP. By resolutions 44/202 of 21 December 1989 and 45/252 of 21 December 1990 on the programme budget for the biennium 1990-1991, the General Assembly approved additional appropriations for both construction projects. The total appropriations approved by the General Assembly to date for the two construction projects are $32,920,100 for ECA and $39,714,100 for ESCAP.

4. In accordance with resolution 39/236 annual progress reports have been submitted on both construction projects. The present report reviews the progress on the projects at Addis Ababa and Bangkok since the submission of the report at the forty-fifth session (A/C.5/45/53).

I. EXPANSION OF THE CONFERENCE FACILITIES OF THE ECONOMIC COMMISSION FOR AFRICA AT ADDIS ABABA

A. Status and development of the project

5. Pursuant to General Assembly resolution 42/211, the project at Addis Ababa was resumed during 1988 and proceeded on the basis of the scope of facilities originally approved and as subsequently reflected in the design developed by the winning architect/engineer firm selected during 1986, namely, one large plenary hall, one medium-size conference room in addition to the existing Africa Hall, and four small conference rooms.

6. Results of the international tendering during 1990 were included in the report of the Secretary-General to the General Assembly at its forty-fifth session (A/C.5/45/53). In that report it was indicated that, based on the exchange rate of 1.37 United States dollars to the European currency unit (ECU) as of 1 November 1990 and the inflation rate assumptions outlined in the report, the total cost of the construction project was estimated at $107,576,900 including administrative costs and contingency. It was further indicated that the main construction contract was scheduled to be completed in the first quarter of 1994, followed by final testing, furnishing and commissioning of the building in the second quarter of 1994. The General Assembly, in section X of resolution 45/248 A of 21 December 1990, took note of the report of the Secretary-General and requested him to proceed with the project in accordance with the revised timetable.

7. The activities undertaken since the report of the Secretary-General at the forty-fifth session of the General Assembly have included the following:

(a) A detailed analysis and review of the tenders was conducted by the quantity surveyor, the architects/engineers and the United Nations, after which a construction contract was signed in Addis Ababa on 22 February 1991. A ground-breaking ceremony was held later the same day. The construction contract called for construction to be completed within 36 months from the official commencement of the construction period, i.e. on 29 April 1994. It also provided for an extension of the 36-month construction period equal to

any force majeure period, plus whatever additional period might be required for normal operations to resume under the specific circumstances. The contractor, already established in Addis Ababa, began the import of materials and equipment and the deployment of expatriate personnel for the project.

(b) The 36-month construction period started officially on 29 April following submission by the contractor of the required performance bond, insurance policies, curricula vitae of key personnel, outline timetable, etc.

(c) Deployment of site supervision staff by the architects/engineers and the quantity surveyor began during April-May. During the same period, work started on the clearing, excavation and fencing of the construction site, and the mobilization of pile-drilling equipment.

(d) Several test piles have been load tested and an alternative piling design proposed by the contractor is being evaluated. A large number of piling bores have been pre-drilled to the level of the first rock layer with a view to expediting work when evaluation of test data has been completed. Temporary storage and workshop structures and offices for the contractor and supervisory personnel have been built at the site.

(e) Consultations have taken place in the past two months with the Ministry of Foreign Affairs and other concerned officials of the transitional Government of Ethiopia regarding duty-free import of materials and equipment for the project.

(f) Preliminary design work has commenced on the installation of the satellite earth station required to support the communications requirements of ECA, including the new conference facilities, as well as other United Nations offices and activities in Ethiopia, and the request for proposals for the earth station is now being prepared. Response to the request for proposals for the new digital telephone system was unsatisfactory, with only one manufacturer submitting a proposal. It is expected that the request for proposals will be reissued in 1992.

B. Project timetable

8. Work on the site commenced in May and continued at a relatively low level. On 25 May 1991, the United Nations Security Coordinator, on behalf of the Secretary-General, had authorized the mandatory departure of all dependents of internationally recruited staff in the United Nation system, as well as all internationally recruited staff members deemed to be non-essential. Likewise, the contractor requested recognition of a force majeure situation from 27 May 1991 under the terms of the contract. As the United Nations had directed its own staff to return to Addis Ababa from 12 July, the United Nations notified the contractor on that date that it considered that the force majeure period had ended and that full performance under the contract should resume. Consultants' site supervision staff who had been evacuated returned to Addis Ababa the following week; return of the

contractor's expatriate staff was delayed until the latter part of August when the contractor received clearance from the Italian Ministry of Labour under Italian labour laws to resume the deployment of staff in Ethiopia. However, the contractor has not yet mobilized a full contingent of technicians and managers, nor a full complement of equipment, which has resulted in a delay of one additional week since 1 September. Local labour has generally been available throughout the period.

9. Previous project timetables and the cost estimates which have been based on them have assumed the timely resolution of various factors concerning transportation and availability of materials and labour. The situation in respect of these matters deteriorated markedly during the first half of 1991. The contractor reported that increasing insecurity on the road from Assab to Addis Ababa made it imprudent to attempt to transport any goods already landed at Assab along that route. New problems arose with the port and customs arrangements at Assab that made it extremely difficult to move any goods for the project through that port. For some time, only one shipping line with limited schedule has been accepting shipments for Assab. Many shipments destined for Addis Ababa and the rest of Ethiopia, including food and refugee aid, have been diverted to Djibouti, greatly increasing port congestion there. It is reported that the capacity of the railroad from Djibouti to Addis Ababa is overstrained, resulting in intermittent shortages. The contractor's operations have also been hampered by shortages of diesel fuel and, to a lesser extent, by the curfew during June and July. Likewise, the cement factory and the road leading to it from Addis Ababa have been subject to frequent closings. Significant quantities of materials and key equipment had been stranded at Assab and Djibouti. Following the intervention of officials of ECA and the Transitional Government, the contractor was able to transport a limited amount of reinforcing steel by truck convoy from Djibouti and in recent weeks the materials at Assab have been moved by truck convoy to the construction site. Until the supply of materials is normalized, significant progress on piling and foundation work will be difficult and further delays will be inevitable.

10. On the basis of the past events discussed above and the contractor's current state of mobilization, it is considered premature to project a definitive timetable for completion at this time. A more detailed revision to the project timetable will be provided at the forty-seventh session of the General Assembly, when the situation has been clarified and information becomes available on the restoration of normal conditions for transportation of materials for the project, permitting the full effect of the problems described above to be assessed.

C. Financial aspects

11. It is also premature to propose a revision to the project budget and schedule of appropriations, since both are dependent upon the timetable. While there is no firm basis at this time to anticipate that the net result of the various factors affecting the total project cost would cause a major

increase over the 1990 estimate of $107,576,900, it cannot be ruled out that the total project cost will be affected by the following factors:

(a) A delay in the pattern of payments or a skewing of payments to later years will increase the effect of inflation on payments to the contractor under the cost adjustment mechanism.

(b) The force majeure situation and related factors such as increased expenses for administration and site supervision during the extended construction period will give rise to additional costs.

(c) On the basis of experience to date in Bangkok, it is now anticipated that a much larger site supervision team will be required for the project in Addis Ababa than originally expected.

(d) The alternative piling design proposed by the contractor, if accepted following testing and evaluation, should result in lower costs for that portion of the work.

(e) Experience to date with the price indices comprising the cost adjustment mechanism indicates that inflation rates for the period September 1990 to June 1991 are somewhat less than anticipated.

12. It had been expected that the project would be 90 per cent complete by the end of 1993. Owing to reasons outlined under section B, "Project timetable", above, the total estimated expenditures through the end of the biennium are projected at $11,900,000, leaving a balance of $21,020,100 in the total appropriations approved by the General Assembly for the construction project at Addis Ababa. Although it is clear that disbursements during 1991 will be below expected levels, an early return to normal transportation conditions could allow the contractor to increase his activities during the following two years so as to meet the goals originally set for the end of 1993. Therefore, pending a more detailed review of the construction timetable and construction costs following the restoration of normal conditions in the area, the estimated total project cost of $107,576,900 contained in the report to the General Assembly during its forty-fifth session has not been revised. It is also proposed to retain the estimated resources of $57,414,900 required in 1992-1993 as requested under section 35 of the proposed programme budget for the 1992-1993 biennium. A revised timetable and estimate of the total project cost, including estimated expenditures and schedule of appropriations required for the balance of the project will be submitted to the General Assembly at its forty-seventh session if reasonably sound information becomes available at that time on which to base those new estimates.

II. EXPANSION OF THE CONFERENCE FACILITIES OF THE ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC AT BANGKOK

A. Status and development of the project

13. The project at Bangkok was resumed in 1988 pursuant to the terms of General Assembly resolution 42/211 on the basis of the scope of facilities originally approved and as reflected in the previously completed plans and specifications. Construction began in May 1989 and, as was reported last year, was expected to be completed in November-December 1991, followed by commissioning in January-March 1992.

14. Since the report of the Secretary-General to the General Assembly at its forty-fifth session (A/C.5/45/53), construction work has continued, although at a slower pace than that envisaged in the original timetable submitted by the contractor. With the construction boom in Thailand still continuing, most major construction projects in Bangkok have been adversely affected by serious shortages of construction workers, specialized technicians and engineers. The extremely heavy demand for construction materials, particularly cement and steel products, has exceeded available local supply and has aggravated the situation. As a result, major construction projects in Bangkok are, on average, some 12 months behind schedule. Recognizing the situation, the Government granted contractors extensions of six months to complete government construction projects commenced after 28 June 1988, and in some instances granted price adjustments to compensate for increased material costs.

15. The contractor's original timetable had assumed an early return to normal conditions. Althouugh the United Nations project has been able to escape the full effects of these adverse factors, the project had nevertheless fallen some 3 to 4 months behind schedule by March 1990, after only 10 months of construction. The United Nations and the supervising consultants made representations to the contractor that urgent steps should be taken to accelerate the pace of the work. As reported last year, the contractor took various measures including a substantial increase in the work-force and the allocation of additional plant and equipment together with changes in the work method to enable work to proceed simultaneously in several portions of the site. Although those measures have led to a sharp increase in output which reduced the rate of slippage, construction was still some four months behind schedule at the end of September 1990. As indicated in the last report, one problem that persisted was the shortage of skilled and experienced engineers and technicians to direct and oversee the work for the contractor. This shortage has already affected progress, as inadequate direction of workers and subcontractors by the contractor has lead to increases in the amount of work rejected and required to be redone. This problem is expected to become more acute as the work of finishing trades and mechanical subcontractors gets fully under way. The consultant's on-site supervision team has been further increased to speed inspection and checking of all details of the construction work and to ensure that specified workmanship and quality is achieved. The measures that were taken in the past year to minimize further delays have not been entirely successful, however. The construction project was more than

six months behind the contractor's original timetable at the end of December 1990. In August 1991 the contractor formally requested an extension of eight months in the construction period for the project, i.e. until 30 June 1992. However, it is considered that the accelerated rates of progress necessary to effect completion by the date are unlikely to be achieved and that in any event it is more important that high standards of workmanship and quality be maintained.

16. In spite of measures taken to minimize or counteract the delays reported during the forty-fourth and forty-fifth sessions of the General Assembly, those measures have not been sufficient to arrest the increasing delays, now estimated as eight to nine months. As of 31 August, two months before the original scheduled completion, the construction was approximately 40 per cent complete. On 30 September, the structural framing for the roof was still not completed, and the building was not enclosed so as to permit installations of finishes. It is considered that further delays of three to four months beyond the contractor's anticipated completion date of 30 June 1992 are likely.

17. Final reviews of materials, furnishings and equipment have continued during this period. It will be recalled that the designs and specifications for the tender documents for the project were completed in 1986. Since then various equipment items specified have been discontinued or superseded and appropriate alternatives must be selected. Final reviews have also been undertaken in cooperation with the architects, consultants and experts on various matters such as security, fire safety, conference and catering operations, circulation (including access by handicapped persons) and communications. It is expected that requests for proposals will be issued shortly for the new digital telephone system and for the satellite earth station necessary to support the communications requirements of the Economic and Social Commission for Asia and the Pacific (ESCAP), including the new conference facilities, as well as other United Nations offices and activities in Thailand and South-East Asia.

B. Summary timetable

18. Based on available information, it appears likely that the main construction will not be completed until at least September-October 1992, followed by a two-to-three-month period for final testing, furnishing and commissioning of the building, namely, during the period October-December 1992. The tentative timetable for the balance of the project on this basis is given below:

1991 September-December	Completion of superstructure and installation of roofing
1992 January-August	Installation of finish materials and mechanical equipment
August-September	Completion of main construction
October-December	Final testing, furnishing and commissioning of the building
1992-1993	Guarantee period and final payment to contractors and consultants

C. Financial aspects

19. As reported previously, the construction contract for 955,000,000 Baht ($US 37,598,425 at the April 1989 exchange rate of 25.40 Baht per United States dollar) was signed on 12 April 1989 with the lowest bidder. It will be recalled that the construction contract is a fixed-price contract and no further allowance need be made for inflation during the course of construction. Prices quoted in the accepted tender are good for the duration of the contract because construction tender prices for the project have been quoted inclusive of inflation. Consequently, despite the delays, the United Nations is protected against most of the effects of the inflationary trend that continues to prevail in the construction industry in Bangkok. Although the construction contract provides that damages would be levied against the contractor for failure to complete on time, on 26 September the contractor submitted a counter-claim greatly in excess of those damages, claiming compensation for additional costs incurred as a result of delays that were beyond his control. Preliminary indications are that the claim for compensation is without merit under the contract, but a more detailed review will be undertaken.

20. Whilst the United Nations is protected against price inflation through fixed unit prices for the work quoted in the original tender, any additional work required not covered by the original contract is calculated at the same unit prices in the original contract. Recent detailed review indicated that the following additional work would be required:

(a) Based on the final review of the access, security and fire safety requirements for the new building, various changes have been made in the provisions for these areas including improved perimeter fencing, increased coverage by automatic sprinklers and public safety annunciators, improved fire barriers at machine rooms and additional security equipment, sensors, alarms and fire extinguishers.

(b) Remeasurement of actual quantities upon completion of piling, foundations and basements revealed that the contractor was due additional payments for quantities in excess of those foreseen in the Bills of Quantities. These payments are made at the unit prices originally quoted by the contractor.

(c) When final engineering was completed after excavation and piling, the costs of making the necessary ground level and underground connections to the existing building complex, and the integration of existing mechanical systems with those of the new building and its building automation system for maximum operating efficiency were substantially larger than the allowance for this work in the construction contract.

21. It had previously been expected that the original estimate of $44,177,700 approved in 1984 during the thirty-ninth session of the General Assembly for the construction project at Bangkok would be sufficient to cover the cost of the project. A projected cost increase of $4,362,300, or 9.87 per cent, over the estimated total project cost approved in 1984 is currently estimated. It is now estimated that the final cost of the project will be $48,540,000 due to additional work required, as indicated in paragraph 20 above, and other factors outlined below.

(a) It has been necessary to provide a much larger site supervision team than originally contemplated in order to speed inspection and checking of all details of the construction work and to ensure that specified workmanship and quality is achieved.

(b) The projected delay in completion by approximately one year will substantially increase administrative costs and costs for consultants and site supervision.

(c) The projected cost of the new telephone system has increased substantially, owing primarily to a change in specification for the related cabling to provide a more versatile and cost-effective installation for the long-term requirements of the United Nations offices at Bangkok.

22. The cost estimate from 1989 is shown below, together with the revised estimates:

	August 1989 Estimates $	Sept. 1991 Estimates $
Construction cost:		
Main construction (including inflation and most furniture and equipment)	37 598 425	39 815 000
Demolition, relocation and alterations to existing building	625 000	1 225 000
Other furnishings, equipment and miscellaneous costs	840 000	1 850 000
Subtotal	39 063 425	42 890 000
Consultants and construction supervision	4 275 000	4 675 000
Estimated construction cost, excluding contingency and administrative costs	43 338 425	47 565 000
Contingency and administrative costs	839 275	975 000
Estimated total project cost	44 177 700	48 540 000

23. Appropriations for the construction projects are credited to the construction-in-progress account and any cash balances invested. Interest earned on construction accounts is credited to the construction accounts until the end of the project, when it reverts to the General Fund or, upon authorization from the General Assembly, is applied to the construction project. As of 31 December 1989, the accumulated interest earned in the construction-in-progress account in respect of the appropriations for the Bangkok project amounted to approximately $3,100,000. It is estimated that by 31 March 1992, the interest on the appropriations for the Bangkok project will total $4,550,000. It is proposed to apply up to $4,362,300 of this interest to offset the cost increase in the Bangkok project.

24. Total estimated expenditures through the end of the 1990-1991 biennium are now projected at $20,290,000. As indicated in paragraph 3 above, the total appropriations approved to date for the construction project in Bangkok amount to $39,714,100, leaving a balance of $4,463,600 against the original schedule of appropriations. Accordingly, that amount has been requested under section 35 of the proposed programme budget for the biennium 1992-1993. Should the General Assembly concur with the Secretary-General's proposal to utilize $4,362,300 in interest earned on the appropriations for the Bangkok

project, that amount plus the appropriation requested in the proposed programme budget for the 1992-1993 biennium will be sufficient to cover all anticipated costs. The revised schedule of estimated expenditures and appropriations required is given below:

	Carryover from prior appropriations	Estimated expenditures including admin. costs and contingency	Appropriations	Income applied
	$	$	$	$
1984-1991		20 290 000	39 714 100 a/	
1992-1993	19 424 100	28 250 000	4 463 600 b/	4 362 300 c/
Total		48 540 000	44 177 700	4 362 300

a/ Approved.

b/ Requested in the proposed programme budget for the 1992-1993 biennium.

c/ Proposed.

III. CONCLUSION

25. Based on the foregoing paragraphs, it is projected that the expansion of conference facilities at Addis Ababa and Bangkok will require no additional appropriation in excess of those requested under section 35 of the proposed programme budget for the 1992-1993 biennium, namely, $57,414,900 for ECA and $4,463,600 for ESCAP.

26. In accordance with General Assembly resolution 39/236, progress reports on both projects will be submitted to the Assembly annually until construction is completed.

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PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1992-1993

Administrative and financial arrangements regarding the United Nations International Drug Control Programme

Report of the Secretary-General

INTRODUCTION

1. In paragraph 14 of resolution 45/179 of 21 December 1990 on the enhancement of United Nations structures for drug abuse control, the General Assembly requested the Secretary-General to submit to it, at its forty-sixth session, a report on measures taken to implement the resolution. In his report on this subject, the Secretary-General summarizes the measures already taken and describes directions for the United Nations International Drug Control Programme (A/46/480). The present report addresses the administrative and financial arrangements regarding the Programme.

2. As is also stated in document A/46/480, paragraph 10, the Secretary-General has inferred from Economic and Social Council resolution 1991/38 of 21 June 1991 that the Commission on Narcotic Drugs is to be empowered to provide legislative overview and guidance to all of the Programme's activities. This inference was borne in mind in drafting the proposals contained in the present report.

3. The activities of the Programme are being financed from both the regular budget and extrabudgetary resources. Consistent with the desire of the General Assembly for an integrated approach to United Nations drug control activities, it is proposed to submit in the future consolidated programme budget proposals, showing the totality of the resources to be made available to the Programme.

4. The Secretary-General intends to keep under review, in consultation with the Executive Director, the administrative and financial arrangements for the Programme. Should the need arise, in the light of experience, revised proposals will be submitted to the General Assembly as appropriate.

I. FINANCIAL ARRANGEMENTS OF THE FUND OF THE UNITED NATIONS INTERNATIONAL DRUG CONTROL PROGRAMME

5. Given the magnitude of the extrabudgetary resources of the Programme, and the distinctive features of the proposed Fund of the United Nations International Drug Control Programme (see A/46/480, para. 25), the Secretary-General considers that the new Fund calls for special treatment by way of separate financial rules and, where necessary, exceptions to the Financial Regulations of the United Nations. The proposed distinctive features of the Fund, as compared to the regular budget activities, include a system of continuous programming based on annual funding; a distinction between commitment and obligation; and the establishment of a general reserve and of a programme reserve. Furthermore, the anticipated size of the Fund makes it advisable, in the interest of efficient operation, for the Executive Director of the Programme to be granted a maximum degree of decentralized authority as regards both financial and personnel matters.

6. It is proposed that all administrative and programme support costs of the new Fund, other than those borne by the regular budget of the United Nations, be charged to the Fund itself. To this end, budget estimates to cover all anticipated administrative and programme support costs would be prepared and submitted to the Advisory Committee on Administrative and Budgetary Questions for examination and comment. Subsequently, the budget estimates and the comments and recommendations of the Advisory Committee would be submitted to the Commission on Narcotic Drugs for its review.

7. The Secretary-General also proposes that the Financial Regulations of the United Nations, as adopted by the General Assembly in resolution 456 (V) and amended in resolutions 950 (X) and 973 B (X) and subsequent resolutions, apply, with two exceptions, to the financial administration of the Fund. The first exception concerns financial regulation 6.7, which, together with rule 106.3, requires that all trust funds be administered in accordance with the Financial Regulations and Rules, unless otherwise provided by the General Assembly. It is proposed in this respect that trust funds within the Fund should be administered in accordance with the separate financial rules applicable to the Fund as a whole. The second exception relates to financial regulations 11.1 and 11.4, which concern the maintenance and submission of the accounts. It is proposed that the General Assembly entrust this responsibility to the Executive Director of the United Nations International Drug Control Programme, whereas the Financial Regulations, as they stand, would require the accounts to be maintained by the Secretary-General. The anticipated size of the Fund and the need to maintain close day-to-day control of its financial transactions suggest the desirability of locating central accounting and accountability for the financial administration of the Fund at the headquarters of the Programme, i.e., Vienna.

8. Accordingly, subject to the approval by the General Assembly of the foregoing proposal, the Secretary-General intends to promulgate, pursuant to the Financial Regulations of the United Nations as amended, separate financial rules applicable to the Fund. These financial rules are contained in the annex to the present report.

Internal audit of the Fund

9. The United Nations Internal Audit Division will be responsible for the review of the personnel and financial transactions of the Fund and will report thereon to the Executive Director. A copy of the reports of the Internal Audit Division will be furnished to the Secretary-General. These reports will be subject to review by, or on behalf of, the Secretary-General and the Executive Director, as required.

II. PERSONNEL ARRANGEMENTS OF THE PROGRAMME

10. The Staff Regulations and relevant resolutions adopted by the General Assembly, and the Staff Rules and relevant Instructions promulgated by the Secretary-General, will apply to staff serving with the Programme in the same manner as they do to the rest of the Secretariat. The staff presently serving with the Programme will continue to be governed by the terms of appointment and conditions of service specified in their letters of appointment. Their acquired rights and eligibility for reassignment within the Secretariat will not be affected.

11. Subject to the retention by the Secretary-General of his authority to promulgate and interpret the Staff Regulations and Rules, and to take final decisions in appeals and disciplinary cases under the Staff Regulations and in compensation claims under Appendix D to the Staff Rules, full authority will be delegated to the Executive Director by the Secretary-General, thus giving the Executive Director the direct responsibility for administering, in the name of the Secretary-General, the Staff Regulations and Staff Rules in respect of staff serving with the Programme.

12. To this end, the Secretary-General, in consultation with the Executive Director, will establish an appointment and promotion board whose composition, functions and procedures will be comparable to those of the Headquarters Appointment and Promotion Board, to advise the Executive Director with regard to staff serving with the Programme. The Executive Director will ensure that in the performance of its functions the Programme's Appointment and Promotion Board acts in conformity with the decisions of the General Assembly and follows the same criteria and guidelines as may be established for the Headquarters Appointment and Promotion Board.

13. Initially appointed staff members will be recruited specifically for service with the Programme rather than for the Secretariat as a whole. Also, as of 1 January 1992, new and renewed fixed-term appointments, or conversions

to career appointments, against posts financed by the Fund, will be limited to service with the Programme. Movements of staff mentioned in this paragraph between the Programme and other parts of the Secretariat will be subject to the same conditions and arrangements as are applicable to staff serving with voluntarily funded programmes of the United Nations. Staff rules 104.13 (d), 104.14 (a) (i) and 109.1 (c) (ii) b will be amended accordingly.

14. Thus, in accordance with the relevant staff rules, the Executive Director will have the authority to appoint staff whose appointments are limited to service with the Programme up to the D-1 level, to promote staff serving with the Programme up to that level, and to terminate appointments of such staff up to and including that level, including for unsatisfactory service, on the advice of the Programme's Appointment and Promotion Board. All appointments or promotions to posts above the D-1 level, or termination of staff above the D-1 level, will be subject to prior consultation with the Secretary-General.

15. The principle of recruitment on as wide a geographical basis as possible will govern the staff paid from the Fund in accordance with the guidelines approved for voluntarily funded programmes. Such staff will be reported separately to the General Assembly in the Secretary-General's annual report on the composition of the Secretariat.

16. The administrative bodies established by the Secretary-General to advise him on staff matters, such as the Joint Appeals Board, the Joint Disciplinary Committee, the Claims Board and the Advisory Board on Compensation Claims, will have jurisdiction as regards staff serving with the Programme.

III. STAFFING SITUATION OF THE PROGRAMME

17. In his proposed programme budget for the biennium 1992-1993, 1/ the Secretary-General indicated staff resources for the Programme which included the conversion of two P-4, one P-3 and one General Service non-recurrent posts to established posts. No other proposals were made at the time since the restructuring of the unified Programme was still under way. The regular-budget staffing table thus showed one temporary post at the Under-Secretary-General level, 42 Professional and higher level posts and 28 General Service posts.

18. The Under-Secretary-General-level post of the Executive Director of the Programme, which the General Assembly approved at its forty-fifth session, involves continuing responsibilities. It is therefore proposed that it be converted from a temporary to an established post.

19. The extrabudgetary staffing resources will total 63 posts (32 Professional and above and 31 General Service). Included in that total are the 23 posts (12 Professional and 11 General Service) previously funded by the United Nations Fund for Drug Abuse Control (UNFDAC) and from the extrabudgetary resources of the Division of Narcotic Drugs, and 36 posts (19 Professional and above and 17 General Service) previously funded by UNFDAC

under an arrangement with the United Nations Development Programme (UNDP). Four new extrabudgetary posts are proposed: one at the Principal Officer (D-1) level for the head of the Information Resources Management Office, and three General Service posts.

20. In addition to the Headquarters staff, there will be 70 posts in 15 field offices (26 Professional and 44 Local Level). These posts would not be considered part of the staffing table and their number and level would change depending on the technical cooperation programmes that are to be serviced, thus allowing for a certain degree of flexibility in assigning staff to the various field offices. It should be noted, however, that the relationship between the United Nations International Drug Control Programme headquarters and its field operations is currently being reviewed. The outcome may require a different field staffing structure.

21. Based on the above, the staffing situation could be summarized as follows:

	United Nations International Drug Control Programme		
	Professional	General Service	Total
Headquarters			
Regular budget	43	28	71
Extrabudgetary	32	31	63
Field			
Extrabudgetary	26	44	70
Total	101	103	204

IV. SUMMARY OF ACTION PROPOSED TO BE TAKEN BY THE GENERAL ASSEMBLY

22. Having regard to the new status and responsibilities of the Programme, the General Assembly may wish to consider the role of the Commission on Narcotic Drugs in providing legislative overview and guidance to all the Programme's activities.

23. As regards the Fund's financial arrangements, the Assembly may wish to approve the proposed establishment of the Fund of the United Nations International Drug Control Programme, and the financial rules for the Fund, referred to in paragraph 8 above, and annexed hereto.

24. As regards personnel matters, the General Assembly may wish to take particular note of the arrangements described in paragraph 13 which affect the principle laid down in its resolution 1095 (XI) of 27 February 1957, under which the conditions of service of the common system are normally to be applied, without distinction as to the source of funds from which the staff may be paid, and the arrangements described in paragraph 15, which have a bearing on specific guidelines for the application of the principle of geographical distribution in the Secretariat, set out in Assembly resolution 1852 (XVII) of 19 December 1962.

25. The General Assembly may also wish to approve the proposal in paragraph 18 above.

Notes

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 6 (A/46/6/Rev.1), vol. I, sect. 22, table 22.4.

Annex

DRAFT FINANCIAL RULES OF THE FUND OF THE UNITED NATIONS INTERNATIONAL DRUG CONTROL PROGRAMME

ARTICLE I. APPLICABILITY

Rule 1.1

These Rules shall govern the financial management of the Fund of the United Nations International Drug Control Programme (hereinafter referred to as the Fund), pursuant to paragraph 6 of General Assembly resolution 45/179 of 21 December 1990. They are promulgated pursuant to the Financial Regulations of the United Nations. The Executive Director of the United Nations International Drug Control Programme shall be responsible for the administration of these Rules on behalf of the Secretary-General. The Executive Director may delegate authority under these Rules, as appropriate, to other officials.

Rule 1.2

Exceptions to these Rules may only be made by specific decision in writing of the Executive Director, in a manner consistent with the Financial Regulations of the United Nations.

Rule 1.3

Any matter not specifically covered by these Rules shall be governed, mutatis mutandis, by the relevant provisions of ST/SGB/Financial Rules/... .

ARTICLE II. FINANCIAL PERIODS

Rule 2.1

To provide for continuity in the programming and implementation of Fund assistance to projects, the financial period for the purpose of the proposed utilization of resources and of the entering into commitments in respect of programme activities (including programme reserve and trust fund activities) shall be the duration of each project as specified in the project document.

Rule 2.2

The financial period for the purpose of incurring and accounting for expenditures in respect of programme activities (including programme reserve and trust fund activities), including reimbursement of related agency support costs, shall consist of a single calendar year.

Rule 2.3

The financial period for the purpose of both proposed utilisation of resources and the incurring of and accounting for expenditures in respect of the administrative and programme support costs budget (the biennial budget) shall consist of two consecutive calendar years, the first of which shall be an even year.

ARTICLE III. VOLUNTARY CONTRIBUTIONS

Rule 3.1

Voluntary contributions from Governments and intergovernmental and non-governmental sources may be accepted for purposes consistent with those of the United Nations International Drug Control Programme.

Rule 3.2

Voluntary contributions shall be accepted without limitation as to use for a specific purpose. The Executive Director may permit exceptions to this rule and shall report thereon to the Commission on Narcotic Drugs. Moneys contributed for purposes specified by the donor shall be treated as trust funds under rule 5.4. Contributions which may directly or indirectly involve an immediate or ultimate financial liability for the regular budget of the United Nations may be accepted only with the approval of the General Assembly.

Rule 3.3

Voluntary contributions shall be accepted in currencies that are readily usable by the Fund, consistent with the need for efficiency and economy of operations, or convertible to the greatest possible extent into currencies readily usable by the Fund. The Executive Director may draw the attention of Governments and of other prospective donors to the currency or currencies required for the execution of Fund activities. He may negotiate with contributing Governments regarding convertibility or reconversion of voluntary contributions.

Rule 3.4

Voluntary contributions accepted by the Fund shall be credited to the Fund account.

ARTICLE IV. MISCELLANEOUS INCOME

Rule 4.1

Miscellaneous income comprises all income of the Fund other than:

(a) Voluntary contributions;

(b) Direct refunds of expenditure.

Rule 4.2

Losses and gains on exchange arising from the payment of voluntary contributions from Governments shall be recorded as a debit or credit to such contributions. All other exchange adjustments shall be recorded separately and classified under miscellaneous income.

Rule 4.3

Charges or credits arising after the closure of project accounts shall be accounted for under miscellaneous income.

Rule 4.4

Proceeds from the sale of project equipment shall be credited to the accounts of that project as a reduction of expenditure, provided such accounts are still open. If they are closed, the proceeds shall be credited to the Fund account as miscellaneous income.

ARTICLE V. THE FUND ACCOUNT

Rule 5.1

There shall be established a Fund account to which all resources of the Fund shall be credited, from which all allocations shall be made and against which all expenditure on behalf of the Fund shall be charged.

Rule 5.2

Within the Fund account, separate accounts shall be maintained for:

(a) A financial reserve;

(b) A Fund programme reserve;

(c) Any other reserves;

(d) Each trust fund established by the Commission on Narcotic Drugs or the Executive Director.

Rule 5.3

Working capital shall be provided from the cash resources of the Fund account.

Rule 5.4

Trust funds may be established by the Commission on Narcotic Drugs or the Executive Director for specified purposes consistent with the policies, aims and activities of the United Nations International Drug Control Programme. Contributions which are accepted for purposes specified by the donor shall be treated as trust funds. Commitments under trust fund activities shall not be entered into unless and until funds sufficient to finance such commitments have been received from the donor or donors, or where there exists an agreed payment schedule covering such commitments. Contributions to trust funds of a value in excess of $100,000 accepted by the Executive Director from non-governmental sources shall be reported annually by him to the Commission on Narcotic Drugs. The procedures for the establishment and management of trust funds shall be consistent with those applicable to technical cooperation trust funds of the United Nations as promulgated by the Secretary-General. Trust funds established by the Executive Director shall be reported to the Commission on Narcotic Drugs through the Advisory Committee on Administrative and Budgetary Questions.

ARTICLE VI. CUSTODY OF FUNDS

Rule 6.1

The Secretary-General shall act as custodian of the funds in the Fund account and shall designate the bank or banks in which such funds shall be kept.

Rule 6.2

The Secretary-General may delegate to the Executive Director such authority with respect to custody of funds, including the authority to designate the banks in which the funds of the Fund shall be kept, as would facilitate the efficient and effective management of the Fund; which delegation shall be acknowledged in writing.

Rule 6.3

Rules 108.1 to 108.12 of the Financial Rules of the United Nations shall apply, mutatis mutandis, to the receipt, management and disbursement of the funds in the Fund.

ARTICLE VII. INVESTMENT OF FUNDS

Rule 7.1

Account being taken of the objectives of the Fund, and in the light of specific requirements of its operations as determined by the Executive Director, moneys not required immediately may be invested by the Secretary-General in consultation with the Executive Director.

Rule 7.2

Income derived from investments, other than trust fund investments, shall be credited to the Fund account as miscellaneous income. Income derived from investment of trust funds shall be credited to the respective trust funds, unless otherwise specified.

ARTICLE VIII. FINANCING THE FUND PROGRAMME

Rule 8.1

The financial resources of the Fund are to be available at all times to the maximum extent possible for Fund programme purposes, subject only to the maintenance on a continuous basis of a financial reserve. After provision has been made annually for the programme support costs and administrative costs of the Fund, all resources not otherwise committed or reserved can be utilized for project activities.

Rule 8.2

There shall be established a financial reserve, the level of which shall be determined from time to time by the Commission on Narcotic Drugs on the recommendation of the Executive Director. The purposes of the financial reserve shall be to guarantee the financial liquidity and integrity of the Fund, to compensate for uneven cash flows and to meet such other similar requirements as may be decided upon by the Commission on Narcotic Drugs. The latter shall keep the level and composition of the financial reserve under constant review, taking into account the estimated income and expenditures for the following financial year.

Rule 8.3

There shall be established a Fund programme reserve to meet unforeseen needs, to finance unanticipated projects or phases of projects and to meet such other purposes as may be determined from time to time by the Commission on Narcotic Drugs.

ARTICLE IX. ADMINISTRATIVE AND PROGRAMME SUPPORT COSTS BUDGET

Rule 9.1

The Executive Director shall prepare a budget to cover all anticipated administrative and programme support costs (other than those borne by the regular budget of the United Nations) of the Fund in a form consistent with relevant United Nations budgetary regulations, rules, policies and practices. The budget may include provision for contingencies.

Rule 9.2

The budget estimates shall be submitted to the Advisory Committee on Administrative and Budgetary Questions for examination and comment. Subsequently, the budget estimates and the comments and recommendations of the Advisory Committee shall be submitted to the Commission on Narcotic Drugs.

Rule 9.3

Supplementary estimates, prepared in a form consistent with the budget, may be submitted by the Executive Director to the Commission on Narcotic Drugs, together with the comments and recommendations thereon of the Advisory Committee on Administrative and Budgetary Questions.

Rule 9.4

The budget, after it has been considered and approved by the Commission on Narcotic Drugs, shall constitute an authorization to the Executive Director to incur obligations and make payments up to the amounts indicated therein. Rules 110.1 to 110.9 of the Financial Rules of the United Nations shall apply *mutatis mutandis* to the administration of the biennial budget.

ARTICLE X. ALLOCATION OF FUNDS BY THE EXECUTIVE DIRECTOR

Rule 10.1

The Executive Director may allocate funds to carry out activities within the Fund programme consistent with policy guidance given by the Commission on Narcotic Drugs.

Rule 10.2

The Executive Director may allocate funds to cover expenditure under the following main categories:

(a) Fund programme activities;

(b) Fund programme reserve activities;

(c) Trust fund activities;

(d) Administrative and programme support costs.

Rule 10.3

Allocations by the Executive Director for programme, programme reserve and trust fund activities shall constitute Fund assistance to projects as set out in the project budgets contained in the approved project documents or similar instruments. For the purposes of rule 10.4 below, the project budget shall be presented in annual segments.

Rule 10.4

An allocation by the Executive Director, which authorizes the incurring of expenditures and the entering into commitments, shall constitute a ceiling on expenditures for the current year and on commitments for future years in connection with the Fund's assistance to the project for which the allocation was made.

Rule 10.5

Whenever a project budget ceases to reflect actual circumstances or current expectations in any significant respect, it shall be revised accordingly. The approval of the Programme and of the executing agency shall be required for all project budget revisions. Where a revision involves an increase in the total budgeted amount, the approval of the recipient Government will also be required.

Rule 10.6

An allocation shall be available for expenditure and for commitment for the duration of the project to which it relates. Following the operational completion of the project, the project budget shall be revised to reflect actual expenditure incurred and shall constitute the final allocation for the Fund's assistance to the project. The final allocation shall remain available for the period of time required to discharge any outstanding legal obligations of the project. This period shall normally not exceed 12 months after the month in which the project was operationally completed. When all legal obligations against the final allocation have been discharged, the project shall be financially completed, and any balance remaining shall revert to the Fund account or, in the case of trust fund activities, to the relevant trust fund, and shall be classed as miscellaneous income.

Rule 10.7

After the financial completion of a project, any unforeseen disbursements or refunds and any deficit or savings on the liquidation of obligations shall be charged or credited, as the case may be, to the Fund account or, in the case of trust fund activities, to the relevant trust fund, under miscellaneous income. Such net adjustments on account of a financially completed project as exceed $25,000 shall be referred to the Executive Director.

Rule 10.8

Allocations for the biennial administrative and programme support costs budget shall remain available for twelve months following the end of the financial period to which they relate, to the extent that they are required to discharge obligations in respect of goods supplied or services rendered in the financial period and to liquidate any other outstanding legal obligation of the financial period. The balance of the allocations shall revert to the Fund account and shall be classed as miscellaneous income.

Rule 10.9

Staff or consultants whose emoluments will be paid from the resources of the Fund may only be engaged with the written authority of the Executive Director and within the allotments or other limits approved for the purpose. The appointment of such staff and consultants shall be limited to service with the United Nations International Drug Control Programme. The Executive Director, or the officials to whom authority has been delegated by him, shall be responsible for ensuring that the terms of employment of staff or consultants conform to the terms of the Staff Regulations and Rules of the United Nations.

ARTICLE XI. CONTRACTS AND PURCHASES

Rule 11.1

When provision is made in the administrative and programme support costs budget or in project budgets for equipment, supplies or services to be supplied by the Fund, the Executive Director shall be responsible for the purchase of equipment and supplies and the contracting of services. To that end, he may enter into arrangements with the United Nations or an executing agency or agencies to employ the procurement services thereof, in which case the relevant financial rules and procedures of the organization concerned shall apply. Procurement activities which are not covered by the aforesaid arrangements shall be governed by rules and procedures promulgated by the Executive Director; such rules and procedures shall be patterned on rules 110.16 to 110.24 of the Financial Rules of the United Nations.

ARTICLE XII. INTERNAL CONTROLS

Rule 12.1

Only those officials designated by the Executive Director as approving officers may approve obligations for recording in the accounts. Any such obligations must have been duly certified by certifying officers designated by the Executive Director for that purpose. Except in the case of small field offices, no person shall perform the functions of both an approving officer and a certifying officer at the same time.

Rule 12.2

The Executive Director may make such ex gratia payments not exceeding $40,000 as he deems to be necessary in the interest of the Fund, provided that a statement of such payments shall be submitted to the General Assembly and the Commission on Narcotic Drugs with the accounts. Ex gratia payments may be made in cases where, although in the opinion of the United Nations Office of Legal Affairs there is no legal liability on the Fund, the moral obligation is such as to make payment desirable in the interest of the Fund.

ARTICLE XIII. EXECUTING AGENCIES

Rule 13.1

The following entities may be entrusted by the Executive Director with the implementation of Fund assistance to projects:

(a) Recipient Governments;

(b) Organizations of the United Nations system, namely the United Nations, the specialized agencies, the International Atomic Energy Agency and other organizations that are or become part of the United Nations system;

(c) Governmental and intergovernmental institutions or agencies which are not parts of the United Nations system;

(d) Non-governmental organizations;

(e) The United Nations International Drug Control Programme itself.

An entity so entrusted shall be known as the executing agency for the project in question.

Rule 13.2

In consultation with and with the agreement of the recipient Government or Governments, the Executive Director shall designate a single executing agency for each project. With the agreement of the recipient Government or Governments and of the Programme, the designated executing agency may associate one or more other agencies with it in the implementation of the project. A project document shall be drawn up for each project.

Rule 13.3

The agreement between the executing agency and the Programme shall include:

(a) The respective responsibilities of the executing agency and the Programme in the formulation, execution, monitoring and evaluation of the project;

(b) Arrangements for the disbursement of funds, including the reimbursement of support costs, to the executing agency;

(c) Arrangements for internal and external audit, financial and non-financial reporting, and other requirements in respect of accountability for funds of the Fund;

(d) Any other arrangements which are necessary for the Executive Director to follow the execution of projects or which would otherwise enable him to exercise his accountability.

Rule 13.4

Allocations issued by the Executive Director to executing agencies for projects to be carried out by the said agencies shall be administered by them under their respective financial regulations, rules, procedures and practices.

Rule 13.5

The Executive Director shall secure from each executing agency assurances that it will maintain such accounts and records as are necessary to enable it to report on the financial status of funds obtained from the Programme, including in particular their total recorded allocations, disbursements, unliquidated obligations, commitments, cash holdings and other financial data.

ARTICLE XIV. THE ACCOUNTS

Rule 14.1

The Executive Director shall maintain such accounts and records as are necessary to enable him to report to the Commission on Narcotic Drugs and the General Assembly on the Fund account.

Rule 14.2

Financial reports on the Fund account shall be presented in United States dollars. Accounting records, however, may be kept in such currency or currencies as the Executive Director may deem necessary.

Rule 14.3

The Executive Director shall have prepared and certified as correct biennial accounts showing the status of the Fund account and including supporting schedules. The Executive Director shall submit these biennial accounts to the United Nations Board of Auditors not later than 31 March following the end of the year in question.

Rule 14.4

The operational rates of exchange shall be those established by the Secretary-General and communicated to the Executive Director.

Rule 14.5

When the United Nations operational rate of exchange for a particular currency is revised, the Executive Director shall revalue the balance of cash and other assets or liabilities in that currency and shall charge or credit the exchange adjustment to a central account, the balance of which at the year end shall be classified under miscellaneous income. Exchange adjustments resulting from the payment of Government contributions shall be recorded separately from those exchange adjustments from other transactions and shall be offset to those contributions.

Rule 14.6

For the purpose of recording in the Fund account voluntary contributions pledged in currencies other than the United States dollar the United Nations operational rate of exchange in effect on the date of the pledge shall be used.

Rule 14.7

For the purpose of recording all other transactions in the Fund account, the United Nations operational rate of exchange in effect on the date of the transaction shall be used.

ARTICLE XV. AUDIT

Rule 15.1

The accounts showing the status of the Fund account, with audit opinion and report from the United Nations Board of Auditors, shall be transmitted by the Executive Director to the Advisory Committee on Administrative and Budgetary Questions, the Commission on Narcotic Drugs and the General Assembly.

ARTICLE XVI. GENERAL PROVISIONS

Rule 16.1

Every official of the United Nations International Drug Control Programme is responsible to the Executive Director for the regularity of the actions taken by him or her in the course of his or her official duties. Any official who takes any action contrary to these Financial Rules, or to the administrative instructions issued in connection therewith, may be held personally responsible and financially liable for the consequences of such action.

Rule 16.2

These Rules may be amplified by administrative instructions issued by the Executive Director.

Rule 16.3

These Rules shall be effective as of and from 1 January 1992. If a consequential change in these Rules is required to be made in order to conform to a change made by the General Assembly in the Financial Regulations, the effective date of such rule change shall be the effective date of the revision of the applicable regulation.